

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

GLENA R. PETTY,)
Plaintiff,)
)
v.) **No. 3:10-cv-426**
) **(Phillips/Guyton)**
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

ORDER

This Social Security appeal is before the Court on the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton [Doc. 18]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed .R. Civ. P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge's conclusions that Plaintiff's Motion for Judgment on the Pleadings [Doc. 13] be **GRANTED IN PART**; Defendant Commissioner's Motion for Summary Judgment [Doc. 15] be **DENIED**; and this case be **REMANDED** to Defendant Commissioner in order for the ALJ to obtain a signature from state agency examining physician Jeffrey Summers, M.D., or in the alternative, to request a new examination. *See Cramer v. Astrue*, 2009 WL 2927286, *6 (E.D. Tenn. Sept. 3, 2009) ("A rubber stamp signature of a medical source or the medical source's signature entered by any other person is not acceptable."') (citing 20 C.F.R. §§ 404.1519n(e), 414.919n(e)). Furthermore, the

Court agrees that if the ALJ intends to rely on the medical report of James Moore, M.D., a signature or a new review should be obtained from Dr. Moore as well. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation [Doc. 18] under 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.

It is hereby **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that Plaintiff's Motion for Judgment on the Pleadings [Doc. 13] is **GRANTED IN PART**; Defendant Commissioner's Motion for Summary Judgment [Doc. 15] is **DENIED**; and this case is **REMANDED** for further proceedings consistent with the magistrate judge's report and recommendation.

IT IS SO ORDERED.

ENTER:

ENTERED AS A JUDGMENT
s/ *Debra C. Poplin*
CLERK OF COURT

s/ Thomas W. Phillips
United States District Judge